

**Comment submitted in response to PUBLIC NOTICE “Domestic Section 214 Application  
Filed for Acquisition of Assets of Touch America, Inc. by 360Networks (USA) Inc.”**

**WC Docket No. 03-227**

1. Northrop Grumman, under a prime contract with the US Department of the Treasury, is authorized to provision and manage data telecommunications services for the Bureau of Alcohol, Tobacco, and Firearms (ATF), the Internal Revenue Service (IRS), the National Integrated Ballistics Information Network (NIBIN), and the U.S. Secret Service (USSS). These critical services for the U.S. Government must not be interrupted.
2. For these agencies within the 14-state Region where Qwest is the Local Exchange Carrier, Northrop Grumman procures Private Line and ATM/Frame Relay services from Touch America (TA). Outside of the 14-state Region, Northrop Grumman procures ATM/Frame Relay services from Qwest. Internetworking interfaces between the TA and Qwest networks provide data paths between the two networks.
3. While the majority of our business with TA is for ATM/Frame Relay services, we do have private line circuits with TA. We have received no written notice from either TA or 360Networks regarding the transfer of these services.
4. Further, while the Public Notice excludes the ATM/Frame Relay business from the Request for Comment, it is our understanding that much of the underlying fiber transport for the TA ATM/Frame Relay services will be transferred to 360Networks as a result of the subject transfer. This transfer makes it impossible for TA to continue to deliver ATM/Frame Relay services if the 360Networks agreement does not make a specific provision to do so.
5. Subsequent to the subject Public Notice, an order has been filed with and approved by the US Bankruptcy Court for the District of Delaware which, in part, provides for the purchase by Qwest of the TA ATM/Frame Business. This purchase includes various assets including switches, spare equipment and software, but not the customer accounts. It appears, therefore, that TA intends to discontinue the ATM/Frame Relay Services.
6. As part of TA's plan to allow 360Networks to acquire certain of TA's assets, TA must be required to submit a definitive plan for the continuity of their ATM and Frame Relay services.
7. Absent specific provisions for network continuity and reliable assurances that TA will have the assets and continuing capability to deliver ATM/Frame Relay Services, service continuity for TA customers is at risk.
8. Any acquisition or transfer of assets which does not include provisions for the continued uninterrupted operations of TA ATM and Frame Relay Services must be considered as incomplete, defective and not in the public interest.

Respectfully Submitted

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